



JAMES E. JOHNSON
Corporation Counsel

Tf DRK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

THOMAS B. ROBERTS
Assistant Corporation Counsel
212 356 0872
throbert@law.nyc.gov

March 24, 2020

By ECF

Honorable Ona T. Wang
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: Lopez v. City of New York et. al, 17cv 3014 (VEC)(OTW)

Dear Judge Wang:

Pursuant to your February 5, 2020 endorsement (Dkt. no. 193) on my February 3, 2020 letter, I write to apprise you of the status of settlement discussions.

As noted in my February 3, 2020 letter (Dkt. no. 192), following the October 18, 2019 status conference, the Parties met and conferred on steps needed before a settlement conference with the Court can be productive. Ms. Ezie, counsel for Plaintiff, subsequently sought documents from the Department of Homeless Services ("DHS"), and I have produced some, although not all, of the requested documentation and information.

Most recently, pursuant to her letter request for documents, Defendants have offered to produce to Ms. Ezie various Department of Homeless Services (DHS) policies and training materials that are currently being developed by DHS with input from the Legal Aid Society within the context of the settlement of *Butler v. City of New York*, 15cv3783 (SDNY). Defendants believe these documents would provide a foundation for further negotiation that might be productive with regard to a settlement of Ms. Lopez' case. Plaintiff, however, contends that the parties are at an impasse concerning discovery primarily because Defendants are not willing at this time to produce records of complaints that other clients of DHS, who are members of the trans-gender community, have filed concerning conditions within DHS shelters. Defendants oppose production of these

records because they concern non-parties who have privacy interests, and are otherwise irrelevant to Ms. Lopez' complaint.

Defendants would like to hold additional meetings with Ms. Ezie concerning settlement to identify areas of possible agreement before returning to the Court, and Defendants do not believe a conference is needed at this time. Accordingly, Defendants request that the Court establish another date, approximately six weeks from now, for the parties to report to the Court. If another extension of the time to report is granted, Defendants will promptly produce the policies and training materials referenced above to Ms. Ezie upon the agreement that the documents are confidential and being produced for purposes of settlement.

Respectfully,

/S/

Thomas B. Roberts
Assistant Corporation Counsel